

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SCOTT TURNAGE, CORTEZ D. BROWN, DEONTAE TATE, JEREMY S. MELTON, ISSACCA POWELL, KEITH BURGESS, TRAVIS BOYD, TERRENCE DRAIN, and KIMBERLY ALLEN on behalf of themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as former Sheriff of Shelby County, Tennessee; FLOYD BONNER, JR., in his official capacity as Sheriff of Shelby County, Tennessee; ROBERT MOORE, in his individual capacity as former Jail Director of Shelby County, Tennessee; KIRK FIELDS, in his official capacity as Jail Director of Shelby County, Tennessee; CHARLENE MCGHEE, in her individual capacity as former Assistant Chief of Jail Security of Shelby County, Tennessee; REGINALD HUBABARD, in his official capacity as Assistant Chief of Jail Security of Shelby County, Tennessee; DEBRA HAMMONS, in her individual capacity as former Assistant Chief of Jail Programs of Shelby County, Tennessee; TIFFANY WARD in her official capacity as Assistant Chief of Jail Programs of Shelby County, Tennessee; SHELBY COUNTY, TENNESSEE, a Tennessee municipality; TYLER TECHNOLOGIES, INC., a foreign corporation; GLOBAL TEL*LINK CORPORATION, a foreign corporation; SOFTWARE AG USA, INC., a foreign corporation; and SIERRA-CEDAR, INC., a foreign corporation, SIERRA SYSTEMS GROUP, INC. a foreign corporation, and TETRUS CORP, a foreign Corporation,

No. 2:16-cv-02907-SHM-tmp

Defendants.

**DEFENDANT SOFTWARE AG USA, INC.'S RESPONSE IN OPPOSITION TO
PLAINTIFFS' MOTION FOR SUBSTITUTION OF PARTY**

Defendant Software AG USA, Inc. (“Software AG”) hereby files its Response in Opposition to Plaintiffs’ Motion for Substitution of Party.

Pursuant to Rule 10(c) of the Federal Rules of Civil Procedure, Software AG adopts by reference the Response in Opposition to Plaintiffs’ Motion for Substitution of Party filed by defendants Shelby County, Tennessee, Bill Oldham, Robert Moore, Charlene McGhee, Debra Hammons, Floyd Bonner, Jr., Kirk Fields, Reginald Hubbard and Tiffany Ward. For the reasons stated therein, permitting the Administrator to step into Powell’s shoes as a named representative of the putative class would not be appropriate. According, Software AG respectfully submits that the Court should exercise its discretion to deny Plaintiffs’ Motion for substitution and instead require Plaintiffs to identify another suitable representative for the class and subclass currently represented by Powell.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Douglas F. Halijan, hereby certify that on September 20, 2019, a true and correct copy of the foregoing was filed electronically and is available for viewing and downloading from the ECF system of the U.S. District Court for the Western District of Tennessee by the following:

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